

134 PETITION FOR ZONING VARIANCE 85-183-A TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.1 to permit an accessory structure in the side yard instead of the required rear yard and to permit a sideyard setback of 2' in lieu of the required 2.5'.

- of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)
1. The lot is pie shaped with the small end in rear. With the sidewalk and steps there is insufficient room in rear yard for large storage shed.
 2. The side yard is hidden by fence and hedges.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: _____
 (Type or Print Name)
 Signature _____
 Address _____
 City and State _____
 Attorney for Petitioner:
 Mark S. Devan
 (Type or Print Name)
 Signature _____
 Address 614 Bosley Avenue
 Towson, MD 21204
 City and State _____
 Attorney's Telephone No: 9-9441
 Address _____
 Phone No. _____

Legal Owner(s):
 Vincent Bertuca
 (Type or Print Name)
 Signature _____
 Address 1720 Aberdeen Road
 Phone No. 661-8307
 City and State Baltimore, MD 21234
 Name, address and phone number of legal owner, contract purchaser or representative to be contacted
 Name _____
 Address _____
 Phone No. _____

ORDERED By The Zoning Commissioner of Baltimore County, this 27th day of November 1984, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 7th day of January, 1985, at 10:00 o'clock A.M.

Carl J. ...
 Zoning Commissioner of Baltimore County.

DESCRIPTION

Beginning on the northeast corner of Aberdeen Road and Loch Shiel Road being known as Lot #11, Block 3 Subdivision Plat of Part of Block 2 and Block 3 of "Loch Raven Village" recorded among the land records of Baltimore County in Liber 13, folio 131.

Also known as 1720 Aberdeen Road.

IN RE: PETITION FOR VARIANCES
 NE corner of Aberdeen Road
 and Loch Shiel Road (1720
 Aberdeen Road) - 9th Election
 District
 Vincent Bertuca, et ux,
 Petitioners

BEFORE THE
 ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Case No. 85-183-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request variances to permit an accessory structure in the side yard instead of the required rear yard and a side yard setback of two feet instead of the required 2½ feet, as more particularly shown on Petitioners' Exhibit 1.

The Petitioners appeared and testified and were represented by Counsel. Fred Schmuff, a resident of the area and a board member of The Associates of Loch Raven Village, Inc., appeared and testified as a Protestant.

Testimony indicated that the property, zoned D.R.10.5, is improved with an end of a group residence. The pie-shaped lot is approximately 75 feet wide as it curves around Aberdeen Road and Loch Shiel Road and narrows to approximately 12 feet in the rear with side boundaries of 123½ feet and 110 feet. The 20½ x 32½' house has a deck in the rear attached to it with a long walkway and steps providing access to an alley bordering the rear of the property. A 10' x 4' shed existed in the side yard for a number of years but the Petitioners needed more storage room than that shed permitted. As a result, it was removed and a 10' x 12' shed was constructed in its place. Albeit without a permit, the Petitioners maintain that the new shed can only be placed where it is because the rear yard is very small and tapers narrowly. Also, a severe drop exists in the rear where the steps had to be built in order to permit access to the alley. A 5' foot stockade fence surrounds the shed.

RE: PETITION FOR VARIANCES
 NE Corner of Aberdeen Rd.
 and Loch Shiel Rd.
 (1720 Aberdeen Rd.)
 9th District
 VINCENT BERTUCA, et ux,
 Petitioners

BEFORE THE ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Case No. 85-183-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
 People's Counsel for Baltimore County

Peter Max Zimmerman
 Deputy People's Counsel
 Rm. 223, Court House
 Towson, MD 21204
 494-2188

I HEREBY CERTIFY that on this 19th day of December, 1984, a copy of the foregoing Entry of Appearance was mailed to Mark S. Devan, Esquire, 614 Bosley Avenue, Towson, MD 21204, Attorney for Petitioners.

Peter Max Zimmerman
 Peter Max Zimmerman

The Petitioners presented Exhibit 9, a petition which offers the signatures of many neighbors who do not object to the proposed variances, as well as Exhibits 7 and 8, letters from their immediate neighbors who also do not object.

Mr. Schmuff testified that he personally was opposed to the variances requested in that the new shed was not attractive and would cause property values to decline. Testifying on behalf of the association, he believes that if these variances are granted, similar structures will be built throughout Loch Raven Village to its detriment. See Protestants' Exhibit 1. Mr. Schmuff acknowledged that there are very few similarly shaped lots in Loch Raven Village and that the topography is unique.

The Petitioners seek relief from Section 400.1, pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

It is clear from the testimony that if the variances were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

IN THE MATTER OF THE APPLICATION OF VINCENT BERTUCA, ET UX FOR VARIANCE FROM §400.1 OF THE BALTIMORE COUNTY ZONING REGULATIONS NE CORNER ABERDEEN ROAD & LOCH SHIEL ROAD (1720 ABERDEEN ROAD) 9th DISTRICT

BEFORE
 COUNTY BOARD OF APPEALS
 OF
 BALTIMORE COUNTY
 NO. 85-183-A

OPINION

This case comes before the Board on an appeal from the Order of the Zoning Commissioner of Baltimore County, dated January 10, 1985, granting the Petitioner's request for a variance to build an accessory structure in the side yard and a side yard setback of two (2) feet instead of the required two and one-half (2½) feet.

The property in question, located in Loch Raven Village, is uniquely shaped in that it is 75 feet wide across the front and narrows to a 12 foot width across the back. The side boundaries are 123½ feet and 110 feet. The house is 20½ feet by 32½ feet, and has a deck attached to it in the back. The usable portion of the back yard is somewhat diminished by a severe slope to the alley in the rear of the house.

The Petitioner testified that his request for a variance was due to the fact that the shape of the lot and the size of the rear yard prevented his building the storage shed in the back, as required, and that the only option remaining was to build the storage shed in the side yard where an old shed had been.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variances were not granted. It has been established that the requirement the Petitioner seeks relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variances requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 10th day of January, 1985, that the Petition for Zoning Variances to permit an accessory structure in the side yard instead of the required rear yard and a side yard setback of two feet instead of the required 2½ feet be and is hereby GRANTED, from and after the date of this Order, subject to the following:

1. The Petitioners say apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

John ...
 Zoning Commissioner of Baltimore County

cc: Mark S. Devan, Esquire
 Mr. Fred Schmuff
 People's Counsel

VINCENT BERTUCA - #85-183-A

A representative of the Associates of Loch Raven Village, Inc. protested the granting of the variance. His concern was that to allow the structure to be built in the side yard would encourage others in Loch Raven Village to do the same and that, as a result, property values would decline.

Baltimore County Zoning Regulations specifically state in §400.1 that:

"Accessory buildings in residence zones, other than farm buildings, shall be located only in the rear yard and shall occupy not more than 40% thereof. On corner lots they shall be located only in the third of the lot farthest removed from any street and shall occupy not more than 50% of such third. . . ."

A variance from the zoning regulations may be granted when strict adherence to said regulations would create a practical difficulty for the property owner. Because of the unique shape of the lot, we believe that a practical difficulty would exist for the Petitioner if the variance were denied. The size and shape of the rear yard precludes the erection of the structure in the back.

To relax the regulations in this case would not cause a proliferation of similar instances since there are only four or five other lots in Loch Raven Village where it would be possible to erect a structure in the side yard. In addition, testimony from the Petitioner's immediate neighbors indicated that they have no objection to the Petitioner's shed.

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Variance(s) to permit

VINCENT BERTUCA - #85-183-A

ORDER

For the reasons set forth in the foregoing Opinion, it is this _____ 22nd day of May, 1985, by the County Board of Appeals, ORDERED that the variance petitioned for to build a structure in the side yard instead of the required rear yard, and a setback requirement of two (2) feet instead of the required two and one-half (2½) feet be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Order of the Zoning Commissioner of Baltimore County, dated January 10, 1985, be and is hereby AFFIRMED.

Any appeal from this decision must be in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

William R. Evans
William R. Evans

Diana K. Vincent
Diana K. Vincent

PETITION

Vincent and Patricia Bertuca
1720 Aberdeen Road
Baltimore, Maryland 21234

WE/I THE UNDERSIGNED HAVE NO OBJECTIONS TO THE BUILDING OF A STORAGE SHED BEING BUILT ON THE SIDE HOME AT 1720 ABERDEEN ROAD. WE/I SEE THE NECESSITY FOR MR. BERTUCA TO HAVE A STORAGE SHED SINCE THE LAYOUT OF HIS PROPERTY DOES NOT AFFORD HIM THE SIZE BACKYARD THAT HE NEEDS IN ORDER TO BUILD THIS SHED. WE/I HEREBY AFFIX OUR SIGNATURE(S) TO THIS PETITION AS OF TODAY'S DATE.

NAME: Vincent & Patricia Bertuca - 808-0244
ADDRESS: 1720 Aberdeen Rd

NAME: 1711 H Brooks - 889-2252
ADDRESS: 1722 ABERDEEN

NAME: John G. Weber
ADDRESS: 1502 Loch Shiel Rd

NAME: Douglas W. Schubert
ADDRESS: 1714 Aberdeen Rd BALTO MD 21234

NAME: William E. Walutin
ADDRESS: 1811 Loch Shiel Rd. 21234

NAME: G. Latham
ADDRESS: 1834 Loch Shiel Rd 21234

NAME: Eugene L. Latham
ADDRESS: 1804 Green Shiel Rd. 21234

NAME: Valere Park
ADDRESS: 1718 Aberdeen Rd 21234

NAME: Louis W. Park (Mr. Park)
ADDRESS: 1717 Elm Ridge Rd

NAME: _____
ADDRESS: _____

NAME: _____
ADDRESS: _____

NAME: _____
ADDRESS: _____

NAME: _____
ADDRESS: _____

NAME: _____
ADDRESS: _____

NAME: _____
ADDRESS: _____

NAME: _____
ADDRESS: _____

The Associates of Loch Raven Village, Inc.
Baltimore County Government
Chesapeake Avenue
Towson, MD 21204
January 7, 1985

Zoning Commissioner
Baltimore County Government
Chesapeake Avenue
Towson, MD 21204

RE: Case No. 85-183-A
Item #132
(1720 Aberdeen Rd, 21234)
Loch Raven Village
Hearing Date: 01/07/85
Time: 10 AM

Dear Sir,

The Associates of Loch Raven Village, Inc. is the neighborhood association for Loch Raven Village.

We have been approached and asked to represent the residents who are opposed to Mr. Bertuca's request for an accessory structure. Their concern (as well as the Associates) is that if his request is granted, then other or similar structures will be built throughout the Village.

Attached to this letter is the original copy of a petition, signed by many Village residents, stating their opposition to the variance.

Thank you for your attention.

Sincerely,

Wayne Skinner
Wayne Skinner
President

Fred Schuff
Board Member & Past Pres.
(presenting letter and petition)

EXHIBIT 1

THE ASSOCIATES OF
LOCH RAVEN VILLAGE
INC.

April 18, 1985

Zoning Commissioner
County Office Building
Towson, MD 21204

RE: VINCENT BERTUCA, et al
Case No. 85-183-A
Petition Zoning Variances
NE/corner of Aberdeen Rd
& Loch Shiel Rd. (1720
Aberdeen Rd) - 9th
Election District

Dear Commissioner,

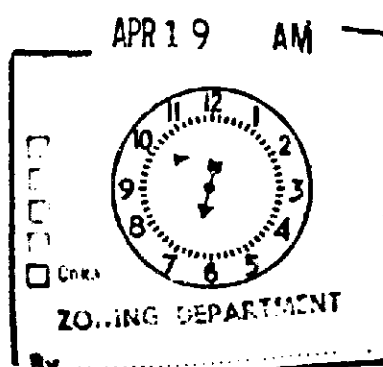
Please be advised that as of April 9, 1985, my term as President of the Associates of Loch Raven Village has expired. Our President for the 1985 - 1986 year is Matt Fick of 1518 Cottage Lane, Towson, MD 21204.

Please direct all future correspondence to his attention instead of mine.

Thank you for your cooperation.

Very truly yours,

Wayne Skinner
Wayne Skinner
1984-1985 President



P.O. BOX 9721 • TOWSON, MARYLAND • 21204-1221

January 4 - 1985

To Whom it May Concern

I feel that the complaint regarding the wooden fence and structure attached at the side of the residence of 1720 Aberdeen Rd at the corner of Loch Shiel Rd. is unjustified.

As a close resident at 1712 Aberdeen Road for 37 years, I can truthfully say this property at 1720 Aberdeen Rd and the surrounding grounds has been greatly improved in appearance and care by the present owner and the present structure does not detract from this.

Also consideration should be given as this property has the smallest yard in Loch Raven Village and therefore a garage or shed could not be built in the yard as many others have been able to do on their property.

Mrs. Ann Towner
1712 Aberdeen Rd.



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180
May 22, 1985

Matt Fick, President
Associates of Loch Raven Village, Inc.
1518 Cottage Lane
Towson, MD 21204

RE: Case No. 85-183-A
Vincent Bertuca, Petitioner

Dear Mr. Fick:

Enclosed herewith is a copy of the Opinion and Order passed by the County Board of Appeals today in the above entitled case.

Very truly yours,

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary

Enclosure

cc: Cyril R. Murphy, Jr., Esq.
Fred Schuff
Mrs. Ann Towner
Mark S. Lavan, Esquire
Vincent Bertuca
Phyllis C. Friedman
Norman E. Gerber
James G. Hoswell
Arnold Jablon
James E. Dyer
Joan M. H. Jung

Zoning Board
Baltimore County
Towson, Maryland

Gentleman:

I am a resident of Loch Raven Village residing at 1800 Loch Shiel Road, Baltimore County. My property is an inside end of a group home located next to the property of Mr. Vincent Bertuca and separated only by a hedge row.

I am a school teacher in Baltimore City and unfortunately will not be able to attend today's hearing; therefore, I would like this letter to serve as an affidavit for the record showing I am in favor of Mr. Bertuca being allowed to keep the structure in question located next to his home and my property. I do not find this structure offensive in any manner and feel it is a welcome addition to the property. I hope the board will find in his favor.

I thank you for your consideration in this matter.

Sincerely,
William H. Waesche
William H. Waesche
Nancy F. Waesche

EXHIBIT 9



County Board of Appeals of Baltimore County
Room 200 Court House (Hearing Room #218)
Towson, Maryland 21204
(301) 484-3180
March 1, 1985

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

CASE NO. 85-183-A VINCENT BERTUCA, ET UX
NE/cor. Aberdeen Rd. & Loch Shiel Rd.
9th District
Variance-Accessory structure in side yard
1/10/85 - Z.C.'s Order - GRANTED

ASSIGNED FOR: TUESDAY, APRIL 23, 1985, at 10 a.m.

cc: Mark Devan, Esq. Attorney for Petitioner

Vincent Bertuca, et ux Petitioners

Associates of Loch Raven Village Inc. Protestants

Phyllis C. Friedman People's Counsel

Wayne Skinner Protestants

Ann Towner

Norman Gerber

James Hoswell

Arnold Jablon

Jean Jung

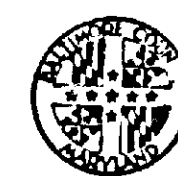
James Dyer

Cyril R. Murphy, Jr.

June Holmen, Secy.

3/1/85 - Following were notified of hearing set for Tues. Apr. 23, '85, at 10 a.m.:

Mark Devan
Vincent Bertuca, et ux
Associates of Loch Raven Village Inc.
Phyllis Friedman
Wayne Skinner
Ann Towner
N. Gerber & J. Hoswell
A. Jablon, J. Jung, J. Dyer



Baltimore County, Maryland

PEOPLE'S COUNSEL
RM. 222 COURT HOUSE
TOWSON, MARYLAND 21204
484-2188

PHYLLIS COLE FRIEDMAN
People's Counsel

PETER MAX ZIMMERMAN
Deputy People's Counsel

March 29, 1985

The Honorable
William T. Hackett, Chairman
County Board of Appeals
Room 200, Court House
Towson, Maryland 21204

Dear Chairman Hackett:

It has come to our attention that the Zoning Commissioner has entered his appearance in the following cases:

Christian B. Anderson, et ux - #85-170-SPH (Item 116)
Elizabeth R. Baird, et al - 85-45-XSPH (Item 346)
Vincent Bertuca, et ux - 85-183-A (Item 132)
Chesapeake Fed. S & L - 85-187-A (Item 131)
Mary M. Clark - 84-311-A (Item 249)
David L. Cole, et ux - 85-2-XA (Item 290)
Eastern Yacht Club, Inc. - 85-73-SPH (Item 337)
Hauesser Family Ltd. Ptnr. - 85-83-SPHA (Item 127)
Johnson, Robert W., III - 85-185-X (Item 124)
Kabic, Melvin - 85-208-XSPH (Item 154)
McKanus-Torillo Assoc., Inc. - 85-189-X (Item 127)
The Rock Rental Co. - 85-186-XA (Item 115)
Joseph H. Rosendale, et ux - 85-157-XA (Item 102)
Louis E. Tarasca, et ux - 85-232-X (Item 146)
Towson Presbyterian Church - 85-176-SPH (Item 93)

As a result of the decision in Carol Dohme, et al - #85-106-SPH (Item 43), it is clear that the Zoning Commissioner has no standing and his appearance should be struck. Please consider this letter as a Motion to Strike the Zoning Commissioner's Appearance in each of the above cases. We are enclosing a copy of this letter/Motion for each file.

Very truly yours,

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

cc: Norman E. Gerber
Arnold Jablon, Esquire
Malcolm F. Spicer, Jr., Esquire
Douglas T. Sachse, Esquire

PMZ:sh

CYRIL R. MURPHY, JR.
ATTORNEY AT LAW
8108 CEDAR BARK ROAD
BALTIMORE, MARYLAND 21204
825-0282

April 19, 1985

Re: Case No. 85-183-A

County Board of Appeals
Court House
Towson, Maryland 21204

Gentlemen:

Will you please enter my appearance as attorney for Associates of Loch Raven Village, Inc., the appellant in the above referenced appeal from the Order of the Zoning Commissioner passed on January 10, 1985 in the matter of the Petition for Zoning Variance of Vincent Bertuca and wife.

Very truly yours,

Cyril R. Murphy, Jr.

RECEIVED
COUNTY BOARD OF APPEALS
RS APR 22 4 09 PM

February 22-1985

APPEAL

Re: Case 85-183-A - BERTUCA

I wish to appear at this hearing. I am a concerned resident of Loch Raven Village in favor of Mr. Bertuca

Mrs. Ann Towner
1712 Aberdeen Rd.
Baltimore Md.
21234

ANNA M. TOWNER
1712 ABERDEEN ROAD
BALTIMORE, MD.
21234

RECEIVED
COUNTY BOARD OF APPEALS
RS FEB 25 4 22 PM

IN RE: PETITION FOR VARIANCES *
NE/cor. Aberdeen Rd. and *
Loch Shiel Rd. (1720 Aberdeen *
Rd.) 9th Election District *
OF
Vincent Bertuca, et ux, *
Petitioners *
* * * * *

Entry of Appearance

Please enter our appearance on behalf of the Zoning Commissioner of Baltimore County as a party in the above captioned matter, pursuant to Section 501.6, B.C.Z.R., and I hereby request that any and all notices be forwarded to our office, including but not limited to hearing dates and/or preliminary or final Orders.

Malcolm F. Spicer, Jr.
Baltimore County Attorney
Old Court House
Towson, Maryland 21204
484-4420

Douglas T. Sachse
Assistant County Attorney

Certificate of Mailing

IT IS HEREBY CERTIFIED that on this 15th day of February, 1985, copies of the foregoing Entry of Appearance were mailed, postage prepaid, by first class delivery to People's Counsel for Baltimore County, Petitioner(s), and or Protestant(s) in the above captioned matter.

Douglas T. Sachse
Douglas T. Sachse
Assistant County Attorney

Associates of Loch Raven
Village, Inc.
Eudwood P.O. Box 9721
Towson, MD 21204-1221

February 4, 1985

Zoning Commissioner
County Office Building
Towson, MD 21204

RE: Case No. 85-183-A
Petition Zoning Variances
NE/cor. of Aberdeen Rd. & Loch Shiel Rd. (1720
Aberdeen Rd.) - 9th
Election District

Dear Commissioner,

On behalf of numerous residents of Aberdeen Road, we wish to appeal to the County Board of Appeals the Zoning Commissioner's January 10, 1985 order granting a variance to the petitioner.

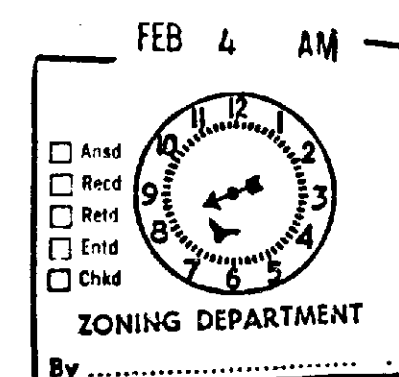
Fred Schnuff, our Board representative in this matter, address is as follows: 1801 Glen Ridge, 21234.

Enclosed is our check for \$80.00 covering the filing fee and cost of posting.

Thank you for your attention.

Sincerely,

Wayne Skinner
Wayne Skinner
President



CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

85-183-A
12:10 PM

District: 9th Date of Posting: 2/15/85
Posted for: Appeal
Petitioner: Vincent Bertuca et ux
Location of property: NE/cor. Aberdeen Rd. & Loch Shiel Rd.
1720 Aberdeen Rd.
Location of Sign: 1720 Aberdeen Rd. from Highway
... 27. PROPERTY OF BERTUCA
Remarks: White Petition
Posted by: [Signature] Date of return: 2/14/85
Number of Signs: 1

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 28, 1984

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Mark S. Devan, Esquire
614 Bosley Avenue
Towson, Maryland 21204

000

Nicholas B. Commodari
Chairman

MEMBERS

Bureau of
Engineering

Department of
Traffic Engineering

State Roads Commission

Bureau of
Fire Prevention

Health Department

Project Planning

Building Department

Board of Education

Zoning Administration

Industrial
Development

RE: Item No. 132 - Case No. 85-183-A
Petitioner - Vincent Bertuca, et ux
Variance Petition

Dear Mr. Devan:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:bsc

Enclosures

cc: Michael B. Dallas
7006 Harford Road
Baltimore, Md. 21234



HARRY J. PISTEL, P.E.
DIRECTOR

December 10, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #132 (1984-1985)
Property Owner: Vincent Bertuca, et ux
E. Cor. Aberdeen Rd. & Lochshiel Rd.
Acres: 59.46/13.39 x 110.04/123.53
District: 9th

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General Comments:

As no public facilities are involved, this office has no comment.

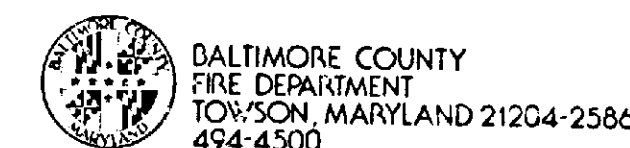
The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Development of this property through striping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the striping of the road.

Very truly yours,

James A. Markle
JAMES A. MARKLE, P.E., Chief
Bureau of Public Services

JAM:EAM:ROP:ss



PAUL H. REINCKE
CHIEF

November 24, 1984

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Vincent Bertuca, et ux

Location: NE/Cor. Aberdeen Road and Lochshiel Road

Item No.: 132

Zoning Agenda: Meeting of 11/27/84

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

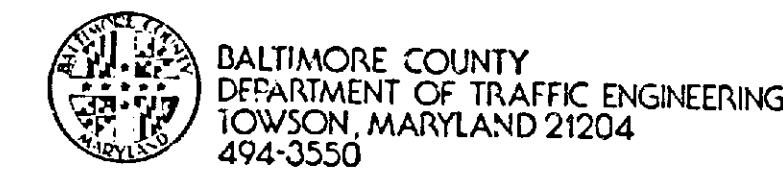
() 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

() 6. Site plans are approved, as drawn.

(X) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWED BY: *George M. Nagomoff*
Planning Group Approved: *George M. Nagomoff*
Special Inspection Division Fire Prevention Bureau

/mb



STEPHEN E. COLLINS
DIRECTOR

December 12, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 131, 132, and 136 ZAC Meeting of November 27, 1984
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

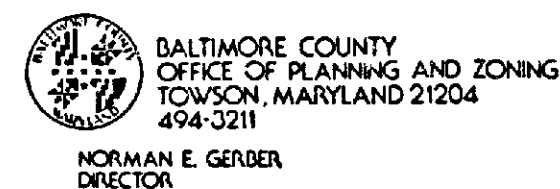
Acres:
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 131, 132, and 137.

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineering

MSF/cdm



Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

RE: Zoning Advisory Meeting of 11/27/84
Item # 132
Property Owner: Vincent Bertuca, et ux
Location: NE/Cor. Aberdeen Rd. & Lochshiel Rd.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- (X) There are no site planning factors requiring comment.
- () A County Review Group Meeting is required.
- () A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- () This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- () A record plat will be required and must be recorded prior to issuance of a building permit.
- () The access is not satisfactory.
- () The circulation on this site is not satisfactory.
- () The parking arrangement is not satisfactory.
- () Parking calculations must be shown on the plan.
- () This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- () Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- () Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- () The amended Development Plan was approved by the Planning Board on _____.
- () Landscaping should be provided on this site and shown on the plan.
- () The property is located in a deficient service area as defined by Bill 176-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is _____.
- () The property is located in a traffic area controlled by a "T" level intersection as defined by Bill 176-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- () Additional comments: _____

Eugene A. Bober
Eugene A. Bober
Chief, Current Planning and Development

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: January 3, 1985

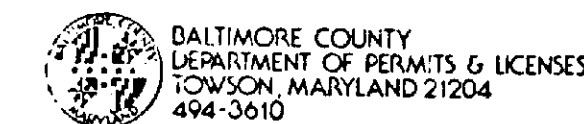
Norman E. Gerber, Director
FROM: Office of Planning and Zoning

SUBJECT: Zoning Petition Nos. 85-183-A and 85-190-A

There are no comprehensive planning factors requiring comment on these petitions.

Norman E. Gerber
Norman E. Gerber, Director
Office of Planning and Zoning

NBG/JGH/et



TED ZALESKI, JR.
DIRECTOR

November 27, 1984

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 132 Zoning Advisory Committee Meeting are as follows:

Property Owner: Vincent Bertuca, et ux
Location: NE/Cor. Aberdeen Road and Lochshiel Road
Existing Zoning: B-1
Proposed Zoning: Variance to permit an accessory structure to be located in the side yard in lieu of the required rear yard, and to permit a side yard setback of 2' in lieu of the required 25'.
Acres: 59.46/13.39 x 110.04/123.53
District: 9th.

The items checked below are applicable:

- (A) All structures shall conform to the Baltimore County Building Code 1981/Council Bill 1-82 State of Maryland Code for the Building and Code and other applicable Codes.
- (B) A building/structure shall be required before beginning construction.
- (C) Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is not required. Non-engineered walls and signatures are required on Plans and Technical Data.
- (D) Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer seal are required to file a permit application.
- (E) An exterior wall erected within 6'0" for Commercial uses or 3'0" for One & Two Family use group of an adjacent lot line shall be of one hour fire resistive construction; no openings permitted within 3'0" of lot line. A firewall is required if construction is on the lot line, see Table 101, Line 2, Section 1407 and Table 1402, also Section 503.2. This project requires the firewall, no openings permitted.
- (F) Requested variance appears to conflict with the Baltimore County Building Code, Section 503.2.

SPECIAL NOTE:

- (G) A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- (H) Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer, certify to this office, that the structure for which a proposed change in use is proposed complies with the height/area requirements of Table 505 and the required construction classification of Table 101.
- (I) Comments - The applicant should be aware of the Building Code window requirements for sleeping rooms. See Section 809.1 in the B.O.C.A. Basic Code. A problem could arise if the design shows windows in the north exterior wall. The porch may be required to set back from the interior lot line if it contains any combustibles or has a roof over it.

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 122 (Plans Service) at 111 W. Chesapeake Ave., Towson.

ITEMS "A" & "E" ARE ALSO APPLICABLE TO THE SHEET.

Very truly yours,
Charles E. Burnham
Charles E. Burnham, Chief
Plans Service

CEB:es

85-183-A

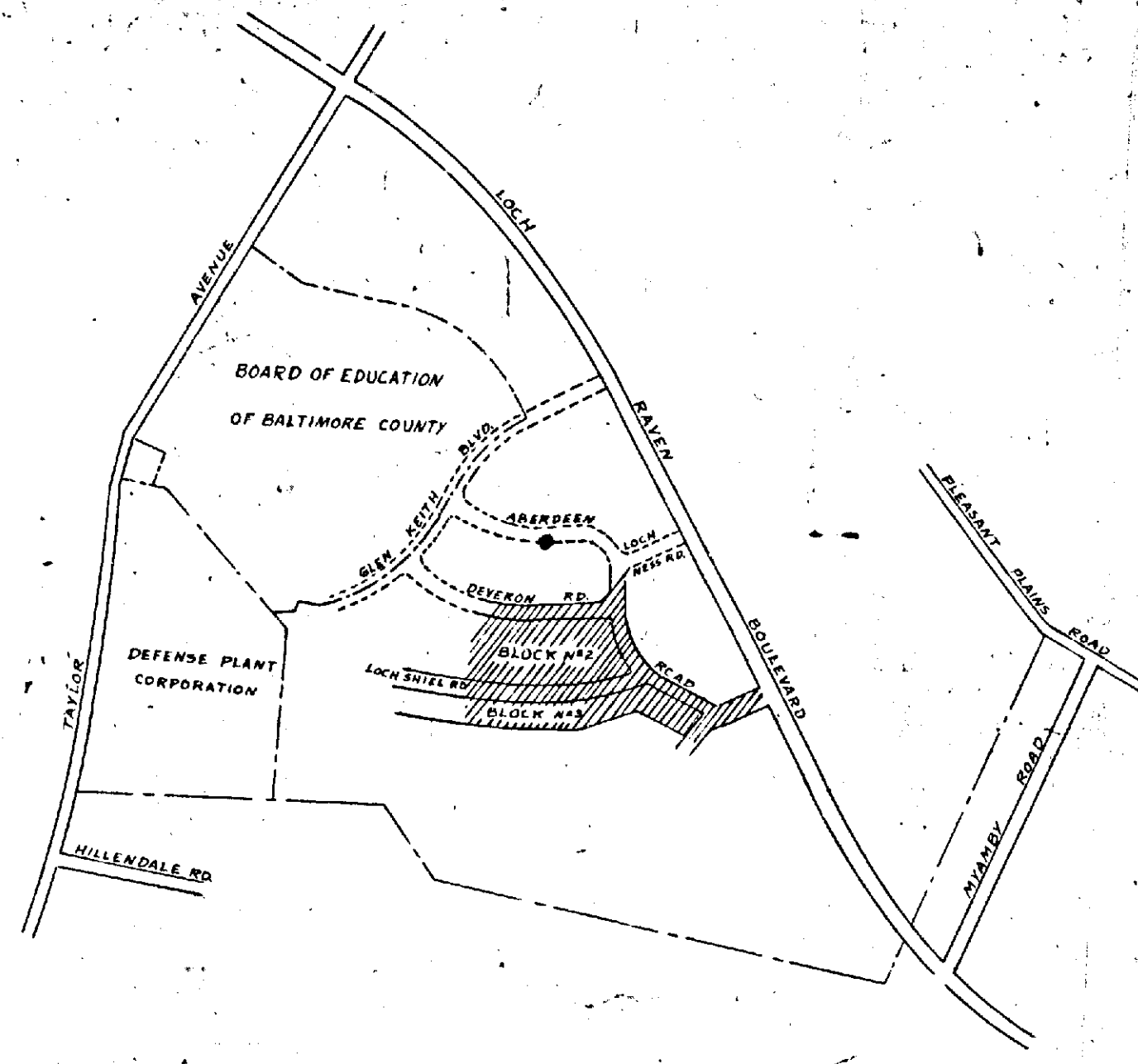
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 27th day of November, 1984

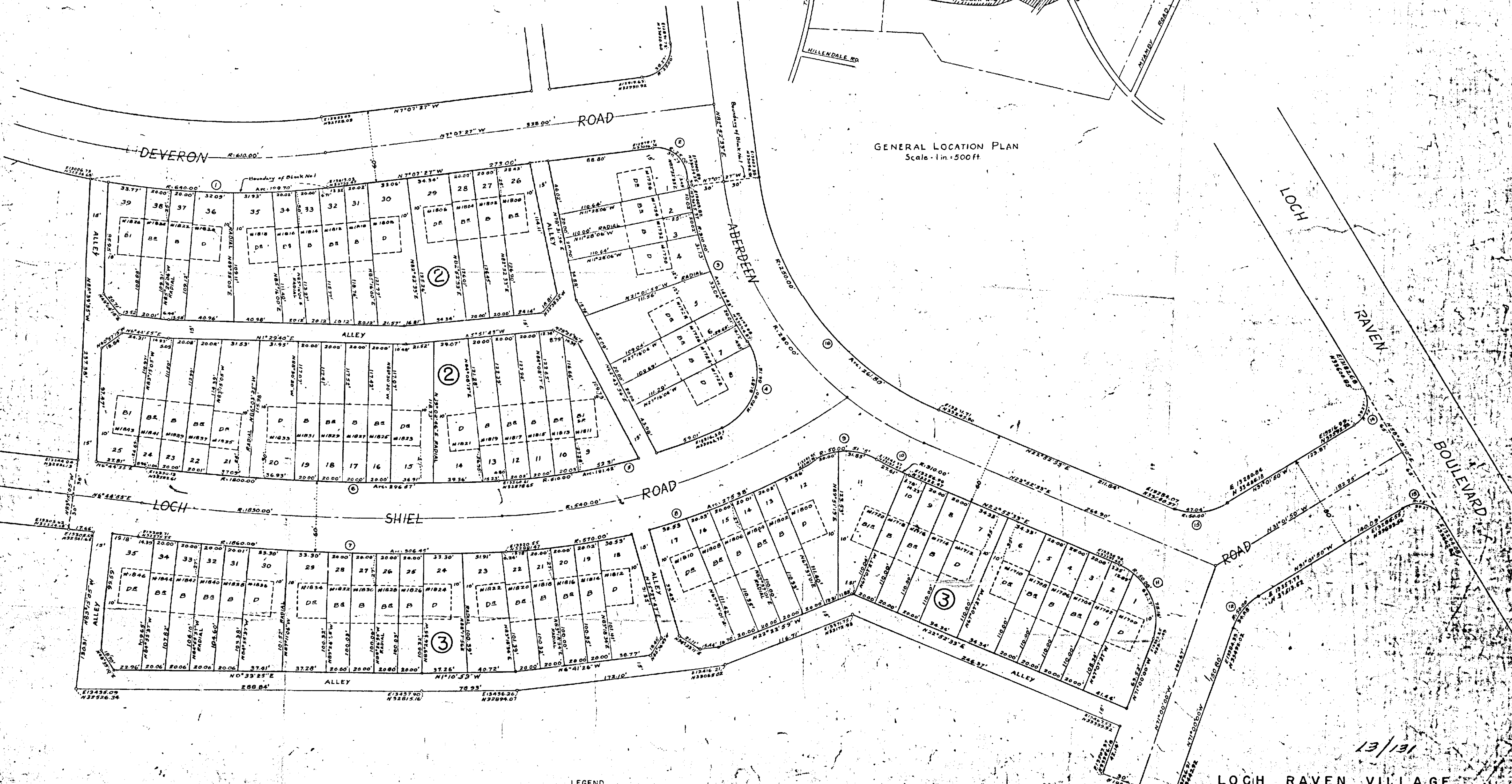
Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman, Zoning Plans
Advisory Committee

Petitioner Vincent Bertuca, et ux
Petitioner's Attorney Mark S. Devan, Esquire
Received by *Mark S. Devan*
Mark S. Devan, Esquire

CURVE DATA					
No.	Radius	Δ	Arc	Tan	Long Chord
1	690.00	17.52-41	199.70	106.67	198.69
2	25.00	90-00-00	39.27	25.00	35.36
3	910.00	26-50-33	143.45	73.02	142.15
4	50.00	99-26-11	86.78	59.00	76.29
5	510.00	21-30-20	191.42	96.85	190.50
6	1800.00	9-26-24	296.27	148.62	296.23
7	1800.00	9-26-24	306.45	153.27	306.11
8	370.00	27-40-53	275.96	140.45	272.71
9	50.00	52-25-13	51.85	28.53	49.56
10	510.00	6-10-18	93.39	16.71	93.38
11	50.00	86-57-37	75.16	46.73	68.28
12	50.00	59-58-10	54.88	19.18	54.18
13	25.00	90-00-00	39.27	25.00	35.36
14	25.00	90-00-00	39.27	25.00	35.36
15	50.00	53-54-23	47.04	25.42	45.93
16	290.00	60-00-00	261.80	144.34	250.00



GENERAL LOCATION PLAN
Scale 1 in. = 500 ft.



Owners Certificate:
Certification is hereby made that all the requirements of the Annotated Code of Maryland Chapter 1016, Acts of 1945 have been complied with on this plat.

LEGEND

- Bearings are related to traverse of Baltimore County Metropolitan District.
- Lot Numbers shown thus 1, 2, 3, etc.
- House Types shown thus B, D, etc. House Street Numbers shown thus B24.
- Block Numbers shown thus ②.
- Coordinates are related to traverse of Baltimore County Metropolitan District based on traverse points nos. 6929 and 6930.
- Note: Roads, streets and railway section are shown on this plat for the purpose of description only and not for the purpose of location.

Approved as alignment and location of streets:
Joseph P. ...
Road Engineer of Baltimore County, Md.

LOCH RAVEN VILLAGE
LOCH RAVEN BOULEVARD - BALTIMORE COUNTY, MARYLAND
SUBDIVISION PLAT OF PARTS OF
BLOCK NO. 2 AND BLOCK NO. 3
SCALE 1 in. = 40 ft.
MAY 1946

GEORGE WILLIAM STEPHENS, JUNIOR
AND ASSOCIATES
Engineers
TOWSON 4, MARYLAND